

**REMARKS**

Claims 1-23 were pending. Claim 10 has been amended to correct a lack of antecedent basis for the term "client device", and corresponding amendments have been made to each of claims 11-17. Accordingly, claims 1-23 remain pending subsequent entry of the present amendment.

In the present Office Action, claims 1-3, 6-7, 10, 11, 14, 16-18 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,668,377 (hereinafter "Dunn"), in view of Turner (US 2002/0059608 A1, hereinafter "Turner") and U.S. Patent 6,859,839 (hereinafter "Zahorjan"). Applicant traverses the above claim rejections and requests reconsideration in view of the following discussion.

Applicant submits that the cited art, including newly cited Turner, does not disclose all of the features as recited, either singly or in combination. For example, Dunn is cited as disclosing the following features of claim 1:

"broadcasting a plurality of modules from a server to a plurality of client devices, at least one of said modules having an associated module number, wherein said plurality of modules are not broadcast responsive to a client request;

sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting."

In contrast to the above, Dunn discloses:

"When the STB tunes to the VOD channel, a continuous loop of "new releases" trailers are immediately displayed. These trailers are a predefined group of about 20-40 of the newest video programs that are presently available for rent. The trailers are displayed in a sequential fashion, one after another, to entice a viewer to stay on the VOD channel, watch more previews, and ultimately order a program." (Dunn, col. 6, lines 58-65)

"The default set of "new releases" trailers are shown. If the viewer remains passive, the "new releases" trailers will run in a continuous loop, one after another. If the viewer wishes to select a new group of programs, the viewer can actuate the "choices" button 78 to pull up various lists of criteria (e.g., star name, title, viewer list, etc.). From the one or more lists, the viewer actively specifies a criteria to select a group of programs (step 222). The criteria is transmitted from the STB to the headend (step 224).

At the headend, a search of the SQL database is conducted to locate program records which meet the search criteria (step 226). . . . At step 228, the set of program records that meet the criteria are sent back to the requesting STB." (Dunn, col. 12, lines 22-38).

"At step 230, the viewer actuates the "preview" icon button 142 (FIGS. 5 and 9) to request play of the first preview video trailer in the program set. This request is sent to headend, which begins transmitting the preview of the first trailer in the group in response (step 232)." (Dunn, col. 12, lines 41-51).

From the above excerpts it can be seen that Dunn discloses an STB tunes to the VOD channel and default previews are displayed. A viewer then may send specific criteria (e.g., a star name) to the headend to be matched to specific programs and trailers. The headend responds with a set of matches. The STB may then request a preview of one of the matching. The request is transmitted to the headend which then transmits the first preview to the STB in response to the request.

In contrast to the above, claim 1 recites:

"broadcasting a plurality of modules from a server to a plurality of client devices, at least one of said modules having an associated module number, wherein said plurality of modules are not broadcast responsive to a client request;

sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting;

receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria;

sending the qualifying module number to the client device;

receiving the qualifying module number at the client device; and

retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module.”

It is first noted that claim 1 recites interrelated features. From the above in claim 1 it can be seen that not only are modules being pushed by the server (i.e., they are not sent responsive to a client request), but the qualifying module number which is sent to the client is used to retrieve one of *the* modules. In other words, the “first module” is itself one of the pushed (i.e., not requested) modules. This is not the case with either Dunn or any combination of Dunn with Turner and/or Zahorjan. Rather, Dunn discloses receiving a request for a first trailer at the headend “which begins transmitting the preview of the first trailer in the group in response.” Therefore, the request of Dunn is not used to retrieve a non-requested module as recited in the claim.

Similarly, Turner does not disclose the above features. Turner discloses sending programmes that are produced by matching criteria from a user’s query:

“The user's query is sent to a server 8 located at broadcast station 6, as shown by arrows 10. The server 8 processes the query expression to identify criteria on which the search is to be undertaken. The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria. Programme information containing the matched criteria is cross referenced with EPG data to produce the resulting programme or programmes and details of the same are sent from the server 8 to the set top box 4 for display on display screen 2, as shown by arrows 16.” (Turner [0026]).

Still further, the present Office Action cites Zahorjan in combination with Dunn as disclosing all of the features of claim 1. In particular, the Examiner states that “[t]he claimed ‘retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module’ and ‘receiving the qualifying module number at the client device’ is met by ‘... a control message is sent to receiver 30’ (received as indicated by process block 67 of FIG. 7) specifying the streams 80 and 82 that receiver 30’ should listen to’ (Zahorjan 8:8-11) and ‘the receiver responds 30’ to this control message by listening to the data streams 80 and 82 and recording some

part of them per process block 69. (Zahorjan 8:8-11)" However, as with Dunn and Turner, Zahorjan describes a client retrieving client requested data. More specifically, Zahorjan discloses that both data streams 80 and 82 are begun in response to requests from the receiver.

"Therefore, the server program 53 proceeds to process block 66 where the server 48 responds to the receiver 30 with a control message specifying the identity (for instance, the Internet multicast address) of the data stream that the receiver should listen to. The server 48 then begins a new data stream 80 (shown in FIG. 4), as indicated at process block 68, before concluding its execution at process block 70. (Zahorjan, col. 7, lines 24 – 32).

"Per FIG. 6, the data stream 82 responsive to the second request is then initiated at process block 68 and it is received and played by the receiver 30' per process blocks 69 and 74 of FIG. 7" (Zahorjan, col.7, lines 16-19).

There is no disclosure or suggestion in Zahorjan of receiving a client request, returning a qualifying module number, and the client matching the module number to non-client-requested data. Neither does the combination of Dunn and Zahorjan disclose the above recited features of claim 1. Each of Dunn, Turner, and Zahorjan disclose retrieving client requested data. Zahorjan in particular is generally directed to bandwidth efficient methods of delivering video content to multiple users. Combining Zahorjan with Dunn may allow a user of Dunn's requested trailers to listen to a stream that could merge with other streams to increase bandwidth efficiency if there are multiple, overlapping requests for the same trailer. However, each of the streams would still comprise requested data. Accordingly, Applicant submits at least the above features of claim 1 are wholly absent from any combination of Dunn, Turner, and Zahorjan.

Accordingly, Applicant submits claim 1 is patentably distinguished from Dunn, Turner, and Zahorjan, either singly or in combination, for at least the reasons given above. In addition, as each of independent claims 10, 16, 18 and 20 include similar features, each of these claims is believed patentably distinguished for similar reasons. As each of the dependent claims include at least the features of the independent claim upon

which they depend, each of the dependent claims are believed patentable for at least the reasons given above as well.

Applicant further notes on pages 16-20 of the present Office Action, additional rejections are made of dependent claims under 35 U.S.C. § 103(a). However, each of these additional rejections depends upon Dunn, Turner, and Zahorjan as discussed above. As each of the claims are patentable for at least the reasons given above, further discussion of the features of these claims is believed unnecessary at this time.

Should the examiner still believe there is reason to prevent the present application from proceeding to allowance, the below signed representative would greatly appreciate a telephone call at (512) 853-8866 in order to facilitate a more rapid resolution.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,

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